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10/706,989	11/14/2003	Hiroshi Masuno	Q78463	7370

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SUGHRUE, MION, ZINN,
MACPEAK & SEAS, PLLC
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037-3213

EXAMINER

SCHNURR, JOHN R

ART UNIT	PAPER NUMBER
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2623

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/706,989	Applicant(s) MASUNO, HIROSHI	
	Examiner John R. Schnurr	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to the Amendment After Non-Final Rejection filed 11/30/2007. Claims 1-17 are pending and have been examined.

Response to Arguments

2. Applicant's arguments filed 11/30/2007 have been fully considered but they are not persuasive.

In response to applicant's argument (Remarks pg. 10 para. 3 to pg. 11 para. 1) that the reference, Ito (US PG-PUB 2002/0004415), fails to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a three-way switch) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to applicant's argument (Remarks pg. 11 para. 2 to pg. 12 para. 1) that the reference, Ito, fails to show a switch that switches between functions or modes of operation, the examiner respectfully disagrees. Ito clearly teaches when switch 6 is ON video data is displayed and when switch 6 is OFF message data is displayed, [0040] and [0047].

In response to applicant's argument (Remarks pg. 12 para. 3 to pg. 13 para. 1) that the reference, Ito, fails to show a combining circuit which synthesizes second display data from the converted display data, expanded motion picture data and converted motion picture data stored in memory, the examiner respectfully disagrees.

Ito clearly teaches creating or synthesizing an image from data stored in memory 4, [0043], [0047] and [0048].

In response to applicant's argument (Remarks pg. 13 para. 5 to pg. 14 para. 2) that the references, Ito and Sawachi (US-PGPUB 2003/0011704), fails to show a second switch provided between the TV telephone section and a power source, wherein the control section disconnects the power source in general use mode and connects the power source in TV telephone mode, the examiner respectfully disagrees. Sawachi teaches a switch controlling a DSP device which connects power to the device when the device mode is selected and disconnects power when the device mode is not selected, [0059] and [0071].

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 3-5, 7, 9, 10, 13 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Ito et al. (US Patent Application Publication 2002/0004415), herein Ito.

Consider **claim 1**, Ito clearly teaches an information communication terminal with a TV telephone function, (**Fig. 2: Radio communication apparatus 50 receives video and telephone signals, [0039] and [0040]**) comprising:

a display data generating section which generates first display data in a general use mode in which a TV telephone function is not used; **(A still image or message may be displayed on display screen 11, [0043], [0047] and [0048].)**

a TV telephone processing section which generates second display data in a TV telephone use mode in which the TV telephone function is used; **(Received video data may be displayed, [0040] and [0046].)**

a display unit which displays inputted display data; **(Fig. 2: Display screen section 11)**

a first switch provided among said display data generating section, said TV telephone processing section and said display unit; **(Fig. 2 Switch 6)**

a control section which controls said first switch to connect said display data generating section and said display unit in said general use mode such that said first display data is supplied to said display unit and to connect said TV telephone processing section and said display unit in said TV telephone use mode such that said second display data is supplied to said display unit. **(When switch 6 is in the ON position video data is display when it is in the OFF position the image of message is displayed, [0040] and [0047].)**

Consider **claim 3**, lto clearly teaches said TV telephone processing section comprises:

a first memory; **(Fig. 2 Memory 4)**

a first input circuit connected to said display data generating section, wherein said first input circuit receives said first display data from said display data generating section, carries out a first converting process to said first display data to generate converted display data, and to store in said first memory; **(The still image or message is stored in memory 4, the images may be received from may different sources and inherently must be converted, [0043].)**

a motion picture CODEC circuit which receives compressed motion picture data from a counter end, expands said received compressed motion picture data into expanded motion picture display data, and stores in said first memory; **(The received video data is decoded and displayed, to decode the image data must be buffered in memory, [0044].)**

a camera; **(Fig. 2 Camera 10)**

a second input circuit connected to said camera, wherein said second input circuit receives motion picture display data from said camera, carries out a second converting process to said motion picture display data to generate converted motion picture display data, and to store in said first memory; **(The video data from camera 10 is encoded in encoding section 9, which requires the buffering of the data into memory, [0042].)**

a combining circuit which reads out said converted display data, said expanded motion picture display data and said converted motion picture display data from said first memory to combine or synthesize into said second display data, and outputs said second display data to said first switch. **(Fig. 2: Controller 5 receives the stored data and outputs it to the display screen, [0043], [0047] and [0048].)**

Consider **claim 4**, It clearly teaches said motion picture CODEC circuit reads out said converted motion picture display data from said first memory, and compresses said converted motion picture display data into transmission motion picture data, **(The video data from camera 10 is converted into transmission data, ([0042])** and said information communication terminal further comprises: a communication circuit which transmits said transmission motion picture data to said counter end. **([0042])**

Consider **claim 5**, It clearly teaches said display unit has a third input circuit which receives said first display data as said inputted display data, said first input circuit achieves a same function as that of said third input circuit. **(A still image or message may be displayed on display screen 11, [0043], [0047] and [0048].)**

Consider **claim 7**, It clearly teaches a switching method between a mobile phone function and a TV telephone function, **(Fig. 2: Radio communication apparatus 50 receives video and telephone signals, [0039] and [0040])** comprising:

(a) generating first display data in a mobile phone function mode; **(A still image or message may be displayed on display screen 11, [0043], [0047] and [0048].)**

(b) generating second display data by using a TV telephone function in a TV telephone function mode; **(Received video data may be displayed, [0040] and [0046].)**

(c) connecting said first display data to a display unit in said general use mode such that said first display data is displayed on said display unit; and
(d) connecting said second display data to said display unit in said TV telephone function mode such that said second display data is displayed on said display unit. **(When switch 6 is in the ON position video data is display when it is in the OFF position the image of message is displayed, [0040] and [0047].)**

Consider **claim 9**, see claim 3.

Consider **claim 10**, see claim 4.

Consider **claim 13**, Ito clearly teaches said TV telephone processing section further generates said second display data in an imaging use mode, and said control section controls said first switch to connect said TV telephone processing section and said display unit in said imaging use mode such that said second display data is supplied to said display unit. **(When switch 6 is in the ON position video data is display when it is in the OFF position the image of message is displayed, [0040] and [0047].)**

Consider **claim 16**, see claim 13.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims **2, 6, 8, 11, 14 and 17** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ito et al. (US Patent Application Publication 2002/0004415)** in view of **Sawachi (US Patent Application Publication 2003/0011704)**.

Consider **claim 2**, Ito clearly teaches preventing the video processing section from consuming power when not being used.

However, Ito does not explicitly teach a power source; and a second switch provided between said TV telephone processing section and said power source, wherein said control section controls said second switch to disconnect said power source from said TV telephone processing section in said general use mode and to connect said power source from said TV telephone processing section in said TV telephone use mode.

In an analogous art, Sawachi, which discloses a system for interfacing a digital camera and a mobile phone, clearly teaches a switch placed between a power supply and digital signal processing circuitry to interrupt power when the circuitry is not being used. **(Fig. 4: SW17 prevents power consumption by DSP unit 102, [0059].)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Ito by disconnecting power from the video processing section when it is not in use, as taught by Sawachi, for the benefit of reducing the power consumed by the device (see [0006]-[0022] Sawachi).

Consider **claim 6**, Ito clearly teaches:

a first memory; **(Fig. 2 Memory 4)**

a first input circuit connected to said display data generating section, wherein said first input circuit receives said first display data from said display data generating section, carries out a first converting process to said first display data to generate converted display data, and to store in said first memory; **(The still image or message is stored in memory 4, the images may be received from may different sources and inherently must be converted, [0043].)**

a motion picture CODEC circuit which receives compressed motion picture data from a counter end, expands said received compressed motion picture data into expanded motion picture display data, and stores in said first memory; **(The received video data is decoded and displayed, to decode the image data must be buffered in memory, [0044].)**

However, Ito does not explicitly teach a second memory.

In an analogous art Sawachi, which discloses a system for interfacing a digital camera and a mobile phone, clearly teaches a device comprising first and second memory devices. **(Fig. 4 Internal memory 110 and Memory card 14)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Ito by providing first and second memory devices, as taught by Sawachi, for the benefit of providing removable memory.

Consider **claim 8**, see claim 2.

Consider **claim 11**, see claim 6.

Consider **claim 14**, Ito combined with Sawachi, as in claim 2, clearly teaches said second switch is automatically switched in conjunction with said first switch in response to a selected mode, wherein said selected mode is said general use mode or said TV telephone use mode. **([0059] and [0071] Sawachi)**

Consider **claim 17**, see claim 14.

7. Claims **12 and 15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Ito et al. **(US Patent Application Publication 2002/0004415)** in view of Yap et al. **(US Patent Application Publication 2003/0043260)**, herein Yap.

Consider **claim 12**, Ito clearly teaches a TV telephone system with user interaction.

However, Ito does not explicitly teach said first display data is a user interface display data which comprises at least one of operation menus, telephone numbers, e-mail data, browser display data, battery level, and radio wave strength data.

In an analogous art, Yap, which discloses a videophone system, clearly teaches a user interface display data which comprises at least one of operation menus, telephone numbers, e-mail data, browser display data, battery level, and radio wave strength data. **(Fig. 11 [0134])**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Ito by displaying user interface display data which comprises at least one of operation menus, telephone numbers, e-mail data, browser display data, battery level, and radio

wave strength data, as taught by Yap, for the benefit of enabling user interaction with the device.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John R. Schnurr whose telephone number is (571) 270-1458. The examiner can normally be reached on Monday - Friday, 7:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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JRS



**CHRISTOPHER GRANT
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600**